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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 MICHAEL T. MCLAUGHLIN,

10 Petitioner,

11 vs.

12 JAMES G. COX, et al.,

13 Respondents.
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Case No. 2:14-cv-00178-APG-PAL

ORDER

15 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has
16 submitted an application to proceed *in forma pauperis* (Dkt. #1) and a civil rights complaint
17 pursuant to 42 U.S.C. § 1983. The court will defer ruling upon the application. The court has
18 reviewed the complaint pursuant to 28 U.S.C. § 1915A. Plaintiff will need to file an amended
19 complaint to correct some defects.

20 In Count 1, plaintiff claims that defendants Cox, Williams, Newton, Sanchez, and
21 McCormack all were involved in the placement of plaintiff into more restrictive conditions of
22 confinement in retaliation for filing grievances and lawsuits. Plaintiff has alleged a plausible claim
23 of retaliation against all these defendants. *See Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir.
24 2005). In the amended complaint, plaintiff will need to re-allege this count, or it will be waived.
25 *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

26 Counts 2 and 3 share the same problem. Count 2 is another claim of retaliation, this time
27 that prison officials charged plaintiff with a disciplinary violation because he filed a grievance
28 against a correctional officer. Count 3 is a claim that prison officials are not treating plaintiff's

1 medical problems. In both counts 2 and 3, none of the named defendants have any involvement
2 with the allegations in the counts, and none of the people described in counts 2 and 3 are
3 defendants. Plaintiff needs to correct these defects, or the court will dismiss counts 2 and 3.

4 Plaintiff has submitted a motion to supplement the complaint (Dkt. #4). The court denies
5 this motion because plaintiff did not attach a proposed supplemental complaint to his motion. *See*
6 LR 15-1.

7 **IT IS THEREFORE ORDERED** that a ruling upon the application to proceed *in forma*
8 *pauperis* (Dkt. #1) is **DEFERRED**.


9 **IT IS FURTHER ORDERED** that the motion to supplement the complaint (Dkt. #4) is
10 **DENIED**.

11 **IT IS FURTHER ORDERED** that the clerk of the court shall file the complaint.

12 **IT IS FURTHER ORDERED** that the clerk shall send to plaintiff a civil rights complaint
13 form with instructions. Plaintiff will have thirty (30) days from the date that this order is entered to
14 submit his amended complaint, if he believes that he can correct the noted deficiencies. Failure to
15 comply with this order will result in the dismissal of counts 2 and 3 from this action.

16 **IT IS FURTHER ORDERED** that plaintiff shall clearly title the amended complaint as
17 such by placing the word "AMENDED" immediately above "Civil Rights Complaint Pursuant to 42
18 U.S.C. § 1983" on page 1 in the caption, and plaintiff shall place the case number, 2:14-cv-00178-
19 APG-PAL, above the word "AMENDED."

20 Dated: August 11, 2014.

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24 ANDREW P. GORDON
25 United States District Judge
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